

JAN 12 2012



January 9, 2012

1326 Broad Street, Augusta, GA 30901
706-722-7348

Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room B431
9300 East Hampton Drive
Capitol Heights, MD 20743

Tom Lowry
Associate Pastor for Missions and Media
tlowry@curtisbaptist.org

Case Identifier: CGB-CC-0001

RE: Reversal of Granted Petition for Exemption from Commissions Closed Captioning Rules
FCC 11-159 "MEMORANDUM OPINION AND ORDER, ORDER, AND NOTICE OF PROPOSED
RULEMAKING" Adopted October 20, 2011

"The Federal Communications Commission proposes to amend Part 79 of Chapter I, subchapter C, of
Title 47 of the Code of Federal Regulations"

Curtis Baptist Church respectfully submits this petition requesting exemption from the closed captioning
requirements, under Section 79.1 of the Commissions rules 47 C.F.R. & 79.1

Each telecast is a delayed broadcast of an 11:00 AM church service. Usual delay time is anywhere from
one to four weeks.

- Our telecast is at 11:00 AM on local ABC affiliate WJBF-TV. The broadcast only reaches those who view other programming on this station.
- We do not repeat broadcasts on any other provider.
- This broadcast is a service to our local community, particularly those who are unable to attend church.

Our church has many and varied ministries to multiple demographics (age, income level, etc.), and this
is our most costly of all areas of ministry. (see attached budget).

Our exemption was one of those based on the *Anglers Order*, and, while many of the 301 exemption
applications were not posted, it should be noted that our original application for exemption (October 12,
1996) was posted for public view and comment. Responses to comments were then given.

Part 79.1 Section F

Compliance would impose an undue burden on Curtis Baptist Church for the following reasons:

We pay the local affiliate for air time.

- We pay the local affiliate for air time.
- To provide closed captioning, our only option would be to send the program to an outside captioning provider for editing, at quoted prices ranging from \$350 to \$500 per hour. This would increase our per week cost by 45-64%. (Our station gives us a very good rate, but is unable to provide captioning services for us.)
- Except for an occasional donation, the telecast is supported solely by our church membership through their regular tithes and offerings.

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- One minister who is paid has responsibility for the telecast, but has many other responsibilities as well. All production staff is volunteer, and receive no remuneration for their work each week in recording or producing the telecast.
- Our giving each year has not, in more than the last decade, met projected budget needs. (Attached are redacted copies of our 2011 budget, affidavit noting amount needed to meet budget and the amount actually given. Also attached is a redacted copy of our 2012 approved budget. Of course, a budget is just ink and paper, what matters is what is in the bank.)
- Curtis Baptist Church is a donor supported, 501c(3) ministry meeting multiple needs in our community.
- We have made tentative contacts about securing donations from businesses to cover the cost of captioning, but have not had, at this time, any positive commitments.

Additional Items to Note:

- Should we be required to provide captioning, and no donors secured, Curtis Baptist Church could possibly end a broadcast with a history of more than 30 years in this local market.
- Curtis Baptist Church has a ministry to the hearing impaired for more than 35 years, and we have sign language interpreters in our service on all Sundays except for their monthly time of "Deaf Worship" when they have their own service.
- Because of our experience working with the local deaf community, Curtis Baptist Church sees the value of Closed Captioning, however, particularly at this time, the cost represents a large financial burden.

Again, we respectfully request that Curtis Baptist Church be exempted from the closed captioning requirements for the above stated reasons. I may be reached through the information in the letterhead.

Please note the attached delineation of expenses.

Sincerely,

Tom Lowry
Associate Pastor for Missions and Media

Attachments:

Statement of 2011 Budget giving through tithes and offering
Redacted 2012 Approved Budget
Copy of two quotes for Closed Captioning service

Affidavit

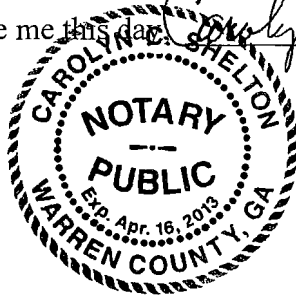
I, Thomas M. Lowry, Associate Pastor for Missions and Media, Curtis Baptist Church, Augusta, Georgia, do solemnly swear and affirm the truth of this Petition for Exemption from Commission Closed Captioning Rules.

Signed Thomas M. Lowry Date January 9, 2012

Signed and sealed before me this day.

Carolyn C. Shelton 2012

Notary



Curtis Baptist Church... Weekly Financial Report
Thursday, December 29, 2011

	<u>Weekly</u>	<u>December - 4 Sundays</u> <u>Month To Date</u>	<u>Annual Data</u> <u>Yr To Date</u>	
Actual Income		137,765.41	\$ 1,537,936.34	
Actual Expenditures		128,808.34	1,550,267.25	
Variance		8,957.07	(12,330.91)	- What was spent Above donations
Budgeted Income		135,351.08	1,624,213.00	- 2011 Budget
Variance		2,414.33	(86,276.66)	- Difference between budget And what was donated

^	
^	
^	
^	<u>Average Weekly Giving Year to Date</u>
^	52
^	
^	<u>29,545.91</u>
^	
^	

Our Baptist Church
2012 Approved Budget

	Proposed 2012	Approved 2012
<u>Budget Offerings</u>		
40501 Envelope Offerings	\$ 1,604,597.33	\$ 1,604,597.33
40502 Loose Offerings	-	-
Total Budget Offerings	\$ 1,604,597.33	\$ 1,604,597.33

Projected income
upon which budget
is based

Budget Expenditures

<u>Mission Partners</u>		
50300 Associational Mission	\$ [REDACTED]	\$ [REDACTED]
50700 Cooperative Program	[REDACTED]	[REDACTED]
51500 State Missions	[REDACTED]	[REDACTED]
52900 Augusta Care Pregnancy Center	[REDACTED]	[REDACTED]
Total Missions	\$ [REDACTED]	\$ 61,000.00

<u>Missions Ministry</u>		
55100 Mission Conference/Global Impact	\$ [REDACTED]	\$ [REDACTED]
55200 Mission Partnerships / Promotions	[REDACTED]	[REDACTED]
Total Ministry	\$ 33,600.00	\$ 33,600.00

<u>Winning & Equipping</u>		
57100 Preschool Program - Nursery	\$ [REDACTED]	\$ [REDACTED]
57250 VBS	[REDACTED]	[REDACTED]
57300 Bible Drill	[REDACTED]	[REDACTED]
57401 Girls in Action	[REDACTED]	[REDACTED]
57405 Royal Ambassadors	[REDACTED]	[REDACTED]
57410 Children's Ministry	[REDACTED]	[REDACTED]
57500 Student Resources & Materials-MS	[REDACTED]	[REDACTED]
57502 Student Retreat-MS	[REDACTED]	[REDACTED]
57507 Summer Camp-MS	[REDACTED]	[REDACTED]
57509 Student Outing/Equip/Supplies-MS	[REDACTED]	[REDACTED]
57600 Student Resources & Materials-HS	[REDACTED]	[REDACTED]
57602 Student Retreat-HS	[REDACTED]	[REDACTED]

Curtis Baptist Church
2012 Approved Budget

Proposed
2012

Approved
2012

Winning & Equipping ... Continued

57607	Summer Camp-HS				
57609	Student Outing/Equip/Supplies-HS				
57620	Women's Ministry				
57630	Men's Ministry				
57640	GAP Ministry				
57642	Men's Dinner & Devotion				
57660	Food Pantry				
57800	Singles Ministry				
57850	Young Singles (College)				
57900	Senior Adult Ministry				
58000	Homebound Ministry				
58100	Deaf Ministry				
58200	Sunday School				
58400	Literature				
58700	Bereavement Expense				
Total Winning & Equipping		\$		\$	68,400.00

Media

59070	Television Ministry Expenditures	\$		\$	42,820.00
59110	Media Services Exp/Rcpts				200.00
59120	Media Ministry Equipment				1,500.00
59130	Web Site Management				1,600.00
Total Media		\$		\$	46,120.00

Glorifying

59172	Adult Music Ministries	\$		\$	
59174	Student Music Ministries-Sr High				
59175	Student Music Ministries-Mid Sch				
59176	Children's Music Ministries				
59178	Passion Play-Christmas Festival				
59180	Choir Tours - Sr High				
59181	Choir Tours - Mid Sch				
59182	Instrument Replacement				
59183	Instrument Maintenance				
Total Glorifying		\$		\$	25,835.00

Curtis Baptist Church
2012 Approved Budget

	Proposed 2012	Approved 2012	
<u>Office of the Pastor</u>			
59730 Special Occasion Speakers	\$ [REDACTED]	\$ [REDACTED]	
59725 Pastoral Supply	[REDACTED]	[REDACTED]	
59740 Deacon Ministry	[REDACTED]	[REDACTED]	
62300 Staff Development/Conference	[REDACTED]	[REDACTED]	
Total Office of the Pastor	\$ [REDACTED]	\$ 8,750.00	must have Pastor's approval in advance
<u>Personnel - Sr. Staff</u>			
Total Personnel - Sr. Staff	\$ [REDACTED]	\$ [REDACTED]	
<u>Personnel - Associate Staff</u>			
Total Personnel - Associate Staff	\$ [REDACTED]	\$ [REDACTED]	

Curtis Baptist Church
2012 Approved Budget

	Proposed 2012	Approved 2012
<u>Personnel - Secretarial Staff</u>		
Total Personnel - Secretarial Staff \$		\$
<u>Personnel - Support Staff</u>		
Total Personnel - Support Staff \$		\$
<u>Personnel - Maintenance Staff</u>		
Total Personnel - Maintenance Staff \$		\$
<u>Personnel - Kitchen Staff</u>		
Total Personnel - Kitchen Staff \$		\$
<u>Personnel - Other</u>		
61900 IT - Contracted Services	\$	\$
62100 Staff Appreciation		
Total Personnel - Other \$		\$
Total All Personnel \$	906,532.33	\$ 906,532.33

Employment for
Approx 24 persons

Curtis Baptist Church
2012 Approved Budget

	Proposed <u>2012</u>		Approved <u>2012</u>
<u>Other Services</u>			
65150 Flowers	\$ [REDACTED]		\$ [REDACTED]
65190 Printing	[REDACTED]		[REDACTED]
65200 Church Suppers	[REDACTED]	[REDACTED]	[REDACTED]
65300 Offering Envelopes	[REDACTED]		[REDACTED]
65400 Publicity	[REDACTED]		[REDACTED]
65500 Security Expense	[REDACTED]		[REDACTED]
65600 Telephone	[REDACTED]		[REDACTED]
65700 Utilities	[REDACTED]		[REDACTED]
65800 Janitorial Supplies	[REDACTED]		[REDACTED]
65900 Office Supplies	[REDACTED]		[REDACTED]
66000 Postage	[REDACTED]		[REDACTED]
66100 Computer Maintenance - Labor	[REDACTED]	[REDACTED]	[REDACTED]
66300 Computer Equipment/Supplies	[REDACTED]	[REDACTED]	[REDACTED]
66400 Office Machine Leases/Payments	[REDACTED]		[REDACTED]
66500 Maintenance Contracts	[REDACTED]		[REDACTED]
66700 Repairs and Maintenance	[REDACTED]		[REDACTED]
66750 Cleaning Service	[REDACTED]		[REDACTED]
68700 Hospitality	[REDACTED]		[REDACTED]
66900 Vehicle Maintenance and Gas	[REDACTED]		[REDACTED]
67000 Insurance - Primary Binder	[REDACTED]		[REDACTED]
67020 Insurance - Auto	[REDACTED]		[REDACTED]
67040 Insurance - Worker's Comp.	[REDACTED]		[REDACTED]
68100 Sr. Staff Expenses - Sr. Pastor	[REDACTED]	[REDACTED]	[REDACTED]
68200 Sr. Staff Expenses - Administration	[REDACTED]	[REDACTED]	[REDACTED]
68300 Sr. Staff Exp.- Education	[REDACTED]	[REDACTED]	[REDACTED]
68400 Sr. Staff Expenses - Student/Music	[REDACTED]	[REDACTED]	[REDACTED]
68500 Sr. Staff Expenses - Missions	[REDACTED]	[REDACTED]	[REDACTED]
68600 Sr. Staff Exp. - Youth Pastor	[REDACTED]	[REDACTED]	[REDACTED]
69000 General Church Expenses	[REDACTED]		[REDACTED]
69100 Bank Fees and Charges	[REDACTED]		[REDACTED]
69900 Landscaping/Yard Maintenance	[REDACTED]		[REDACTED]
Total Other Services	\$ 454,360.00		\$ 454,360.00
Total Budget Expenditures	\$ 1,604,597.33		\$ 1,604,597.33
<u>Budget Offerings Over/(Under) Exp.</u>	\$ -		\$ 0.00



Caption Labs

1010 Taylor Station Road, Suite E, Columbus, OH 43230
877-258-7800 • www.CaptionLabs.com

IMPORTANT CLOSED CAPTIONING INFORMATION

November 2, 2011

Dear Media Director,

The FCC's recent decision to overturn your closed captioning exemption certainly creates new factors to consider. Production costs and air time purchases are already difficult mountains to climb. Now, you're facing another giant peak in figuring out what to do about closed captioning.

By losing the exemption from the FCC, there are many financial hurdles to consider. **Purchasing captioning software and encoding equipment alone can be insurmountable.** Of course, you'll also have to spend time figuring out the captioning process itself as well as FCC regulations. Then, *creating the captions will eat up your time and constantly push you up against tight deadlines.* Wrestling with these costs and issues will leave you feeling like your only option is to go off the air.

As a producer of religious television content myself, *I have firsthand experience dealing with the financial burden and questions facing you right now.* I also understand and believe in the purpose and significance of your television program. That's why I want to help you move forward.

The FCC's decision can be intimidating, **but my company can help you eliminate that stress.** We've helped many producers save weeks of production time and thousands of dollars with our unique **eCaptioning process.** Simply put, **I know that we can save you time and money.** Plus, we do all the extra work to keep you compliant with the FCC.

I'd love to discuss how my company can help you. We are committed to finding the most cost-effective solution for you. In fact, **I will personally give you a special ministry discount.** Simply mention this letter when you call and you'll receive discounted pricing as low as \$167 per half-hour program! Be sure to contact me soon, because I can only extend this offer to a limited number of clients.

Providing captions can be very beneficial to the mission of your organization. I believe this is truly a great opportunity for us to help you **strengthen the message of your ministry.** Millions of Americans are hard of hearing. Closed captioning will make your program more accessible to both the deaf and elderly communities and is **available to you at a fraction of the cost** of air time and other production expenses.

Remember to mention the special ministry discount when you call. I look forward to talking to you soon!

Sincerely,

Adam R. Grover

Caption Labs

Phone: 877-258-7800 ext. 104

Email: agrover@captionlabs.com

P.S. Please don't hesitate to contact me. The **special ministry discount of \$167** can only be offered to a limited number of clients, so call and lock in the special pricing today.

167⁰⁰
x 2⁰⁰

334⁰⁰

From: ANNE SCHULMAN <captionanne@gmail.com>
Subject: **Re: Closed Captioning - Curtis**
Date: November 14, 2011 2:21:30 PM EST
To: Tom Lowry <tomlcbc@comcast.net>

Hi Tom:

I have some captioning pricing information for you. As you can see, offline captioning an HD Quicktime file is rather costly, but it is very doable. I'm assuming that you need the file for broadcast but have also included the cost for an internet Quicktime file. The price quotes for captioning files are for files only. In that scenario, you would upload a low-res video file to our FTP site, and we would then email you the captioning file for you to use with your Final Cut Pro 7 system. You would input the file and when you output your video, you would then have closed-captioned video. I've also provided you with what it would cost for us to embed the captions in the video.

Roll-up captioning file (file only, compatible with Final Cut Pro 7): \$498.55
Pop-on captioning file (file only, compatible with Final Cut Pro 7): \$575.25

Roll-up captioning-video with embedded captions (for Internet play only): \$498.55
Roll-up captioning-video with embedded captions (for television broadcast): \$2,640.00

Thanks,
Anne

On Fri, Nov 11, 2011 at 6:37 AM, Tom Lowry <tomlcbc@comcast.net> wrote:

That is no problem.

We are simply in the information gathering phase right now. I need to gather the info so we can make good decisions.

Blessings,

Tom Lowry

Tom Lowry | Curtis Baptist Church | Associate Pastor for Missions and Media | 706-722-7348, ext 218 | www.curtisbc.org

On Thursday Nov 10, 2011, at 10:46 PM, ANNE SCHULMAN wrote:

Hi Tom:

I apologize for the delay in getting you the pricing and procedural information that you requested in regards to captioning your service. I am waiting to hear back from our offline captioners as I wanted to confirm current pricing with them. Hopefully, I'll be able to get that out to you tomorrow.

Thanks,

Anne

Anne Schulman, President

Caption Associates LLC

866-602-3933 office toll-free 24/7

www.captionassociates.com

On Thu, Nov 10, 2011 at 8:33 AM, Tom Lowry <tomlcbc@comcast.net> wrote:

Hi Anne,

Thanks for your prompt response.

Our normal lead time is four weeks from date of recording to date of airing. We may be a bit tighter than that around Christmas, but that will not impact us here.

I use Final Cut Pro 7 on a MacPro system right now to do our editing.

So far, the station gets an HD Quicktime file (.mov). We have not yet succeeded in getting their K2 Grass Valley servers to read the multiple mpeg2 attempts we have tried.